

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James A. Bonini, et al.
Serial No.: 09/609,146 Group Art Unit: 1646
Filed : June 30, 2000 Examiner: Eileen O'Hara
For : DNA Encoding SNORF62 and SNORF72 Receptors

1185 Avenue of the Americas
New York, New York 10036

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 C.F.R. §1.131 OF JAMES A. BONINI, GABRIEL
S. LERMAN, YONG QUAN, AND KRISTINE L. OGOZALEK**

We, James A. Bonini, Gabriel S. Lerman, Yong Quan and Kristine L. Ogozalek hereby declare as follows:

1. We conceived of the invention claimed in the above-identified patent application, i.e., a process involving competitive binding for identifying a chemical compound which specifically binds to a human or rat SNORF72 receptor that has an amino acid sequence identical to the amino acid sequence shown in SEQ ID NO: 4 or SEQ ID NO: 25, respectively, by contacting cells (or a membrane preparation from such cells) expressing on their cell surface such a SNORF72 receptor, with both the chemical compound being tested and a second chemical compound known to bind to the receptor (including a second chemical compound known to be an agonist of the receptor), and separately contacting cells with only such second chemical compound, and comparing the amount of binding of such second chemical compound measured under both conditions, as

recited in independent claims 235 and 243, as amended and now pending in the above-identified patent application.

2. Prior to April 10, 2000, a competitive binding assay such as that claimed in the patent application to determine whether chemical compounds bind to the human SNORF72 receptor was performed by Vincent Jorgensen at the request, and under the direction, of co-inventor James Bonini in the United States at the laboratories of Synaptic Pharmaceutical Corporation, assignee of record of the subject application. Copies of pages 101, 102, 112, 114 - 117, 127, 128, 132 - 137 and 139 of Vincent Jorgensen's notebook number 8758 detailing the results of performing this competitive binding assay, specifically a scintillation proximity assay (SPA), to determine whether certain chemical compounds inhibited the binding of radiolabeled neuromedin U peptides to the human SNORF72 receptor are attached hereto as **Exhibit 1**. Notebook page 101 shows that human SNORF72 receptor (i.e. hSNORF72) was transfected into COS-7 cells and membranes were harvested from such cells prior to performing this assay. Notebook page 128 shows that a plurality of chemical compounds were tested in the assay with resulting % inhibitions ranging from 30 - 49%. Percent inhibition is defined as the ability of a second chemical compound to displace the radioligand (i.e., ¹²⁵I-NMU-23, see notebook pages 132 and 135). Although the dates have been redacted from these notebook pages, all dates redacted are prior to April 10, 2000. Thus, at least one embodiment of the invention claimed was reduced to practice in the United States prior to April 10, 2000.

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3. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the application or any patent issued thereon.

12 March 04
Date

James A. Bonini
James A. Bonini

Date

Gabriel S. Lerman

Date

Yong Quan

12 Mar 04
Date

Kristine L. Ogozalek
Kristine L. Ogozalek

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Date

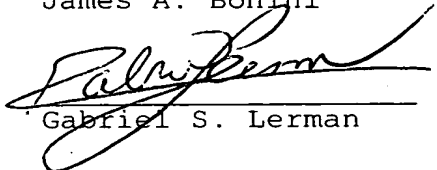
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Date

Date

Date

James A. Bonini



Gabriel S. Lerman

Yong Quan

Kristine L. Ogozalek

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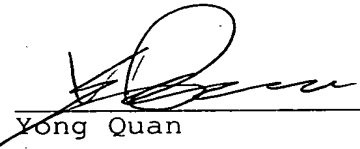
Date

James A. Bonini

Date

Gabriel S. Lerman

March 15, 2004
Date



Yong Quan

Date

Kristine L. Ogozalek